

Amendment No. 1 to SB0187

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 187**

**House Bill No. 170\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following new, appropriately designated subdivision:

( )

(A) The defendant commits an offense:

(i) During the time period between the first occurrence of events or conduct that later results in a declaration of a state of emergency by a county, the governor or the president of the United States and the time the county, governor or the president of the United States terminates the state of emergency, as provided in § 58-2-107;

(ii) Within the area or areas threatened by the emergency, as established by the county's, governor's or president's declaration of a state of emergency; and

(iii) Knowing of the existence of the disaster or emergency.

(B) As used in this subdivision:

“ (i) “Disaster” means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state emergency by a county, the governor, or the president of the United States. “Disaster” is identifiable by the severity of resulting damage, as follows:

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(a) "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement;

(b) "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance; and

(c) "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

(ii) "Emergency" means an occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, that results or may result in substantial injury or harm to the population, or substantial damage to or loss of property; provided, that natural threats may include disease outbreaks and epidemics; and

(iii) "Offense" means the defendant is convicted of a violation of § 39-14-103, § 39-14-104, or any other offense involving theft that is graded by value pursuant to § 39-14-105, and the value of the property or service taken is no greater than the value provided in § 39-14-105 for a Class E felony.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.